

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kimmy H. Hershey

Docket No.: 1:19CR00066-1 SNLJ

Name of Sentencing Judicial Officer: The Honorable Stephen N. Limbaugh Jr.
Senior United States District Judge

Date of Original Sentence: November 5, 2019

Original Offense: Felon in Possession of a Firearm

Original Sentence: 18 months imprisonment and 2 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: August 28, 2020

Expiration Date: August 27, 2022

Assistant U.S. Attorney: Paul H. Hahn

Defense Attorney: Jennifer Booth

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number

Mandatory Condition No.1: You must not commit another federal, state or local crime.

Standard Condition No.10: You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

Nature of Noncompliance

On May 19, 2021, the U.S. Probation Office's Special Response Team (SRT) conducted a search of Hershey's person, vehicle, and residence in response to ongoing supervision issues. SRT seized four firearms in the residence which are listed as follows: a 9mm Hi-Point Handgun loaded with 6 rounds that was found in the bedroom in a safe next to bed with keys on top of safe, a Savage Axis 30/06 Rifle with a scope that was found underneath the basement stairs, a Mossberg 12 Gauge shotgun that was found in basement bedroom, and a Rossi Break Action 243 Rifle that was found underneath basement stairs.

Violation Number

Mandatory Condition No.3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Standard Condition No.4: You must answer truthfully the questions asked by your probation officer.

Standard Condition No.8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

Nature of Noncompliance

On April 6, 2021, Hershey provided a urine specimen to the vendor for drug testing. This sample returned positive for the use of amphetamines. Hershey denied drug use and stated he was taking medication. He was directed to submit prescription verification. The sample was subsequently confirmed positive by the national laboratory for the use of amphetamines.

When interviewed again, Hershey admitted to using Adderall without a prescription. He reported using away from the home due to stress. He stated he got the Adderall from people he knows. He stated he was not handling the recent death of his mother nor the stress of his children engaging in drug use.

Violation Number

Special Condition: You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

Nature of Noncompliance

Hershey failed to report to the vendor for drug testing on February 20, 2021 and May 17, 2021.

When interviewed, Hershey stated he had been at his son's birthday party and forgot to call the drug testing line in February.

Violation Number

Special Condition (Modified November 24, 2020): You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Nature of Noncompliance

Hershey failed to report for Moral Reconciliation Therapy on March 16, 2021.

When interviewed, Hershey stated he was too late as he worked overtime on that date.

Previous Violations

On September 11, 2020, a violation report was filed with the Court citing Hershey with traveling out of the judicial district without approval, failing to report as instructed, and failing to report for substance abuse testing. In response, Hershey's conditions were modified to include participation in the Location Monitoring Program (LMP) for a period of 60 days. Hershey is scheduled to complete the LMP on November 26, 2020.

On November 24, 2020, a report was filed with the Court citing Hershey for the use of amphetamines with out a valid prescription. His conditions were modified to include a substance abuse treatment condition.

On December 21, 2020, a report was filed with the Court citing Hershey for the use of amphetamines without a prescription. He was reprimanded regarding his drug use and returned to the initial steps of Moral Reconation Therapy. In addition, his requested personal travel was denied due to ongoing noncompliance.

U.S. Probation Officer Recommendation: It is respectfully requested that the Court issue a warrant for Hershey's arrest and that his term of supervised release be revoked.

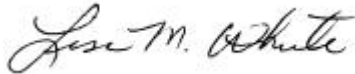
During his term of supervision, Hershey had been dishonest regarding his substance abuse and has been resistant to requests for verification of medical needs made by the probation office. Concern for his substance abuse led to increased scrutiny of his medical information to ascertain the extent of both his misuse of medication as well as his legitimate medical needs.

The evidence uncovered at the search of his residence has demonstrated that Hershey is unwilling to refrain from criminal behavior at this time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2021

Approved,



by _____ For _____
Kenneth W. Lawrence
Supervising U.S. Probation Officer
Date: May 19, 2021

Respectfully submitted,



by _____ For _____
Toni R. Smith
U.S. Probation Officer
Date: May 19, 2021

THE COURT ORDERS:

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
 Appearance Date:
 Appearance Time:
 Courtroom Number:
☐ Other



Signature of Judicial Officer

5/19/2021

Date